

THE TSCA INVENTORY UPDATE RULE AMENDMENTS

Fact Sheet

The TSCA Inventory Update Rule Amendments (IURA) address serious deficiencies in the availability of exposure-related information on a set of relatively higher production volume chemicals from among the chemicals listed on the TSCA Inventory, including both organic and inorganic chemicals. Basic exposure information is critical if the Agency and others are to identify potential risk reduction opportunities and to target resources more efficiently.

What is the IURA?

The TSCA Inventory Update Rule (IUR) requires the submission of basic data on approximately 9,000 organic substances every four years, out of the over 76,000 chemicals on the TSCA Inventory of Chemical Substances. The latest submission of data occurred in 2002 for substances produced in 2001. Through the IURA, EPA added processing and use elements to the collection, adjusted the exemptions to the rule, made certain confidential business information (CBI) changes, and made certain administrative changes. These changes tailor the chemical substance reporting requirements to more closely match EPA's and others' information needs; provide a vehicle for EPA to obtain updated information relating to the potential human and environmental exposures of chemical substances listed on the TSCA Inventory; and improve the utility of the information reported under the IUR.

Who is affected by IURA?

Current IUR submitters and inorganic chemical manufacturers and importers with site-specific annual production volumes of 25,000 lbs or more for individual chemicals are affected by IURA. Current submitters are manufacturers of TSCA chemicals produced annually in amounts of 10,000 lbs. or greater. The 10,000 lb. reporting threshold has been raised to 25,000 lbs. In addition, EPA has altered the exemptions from reporting. Certain natural gas streams are exempt from all reporting. Other groups of chemicals, including most petroleum streams and certain chemicals that are of low current interest, are now partially exempt from reporting and are not required to report processing and use information (Part III of the reporting form, Form U). Additionally, for the first reporting period only, inorganic substances are partially exempt. After the first reporting period, inorganic substances will no longer be partially exempt, unless they are otherwise included in one of the other exemptions.

As with the current IUR, most businesses who meet the 40 CFR 704.3 definition for small manufacturer or importer will continue to be exempt from reporting requirements. A business meets the criterion when total annual sales are less than \$40 million and the manufacturing or import volume is less than 100,000 pounds at all sites.

When will these amendments go into effect?

The first IURA submission period will occur in 2006, when companies will report data on chemicals manufactured and imported in calendar year 2005. The final rule indicates that subsequent reporting years and submission periods will occur every four years. However, in a separate action following the final rule, EPA intends to change the reporting frequency after the first reporting period under IURA from every four years to every five years. Therefore, the second IURA submission period would occur in 2011.

What information will be reported?

Manufacturers and importers currently report basic site and chemical identity information, specific chemical production volume, and chemical site limited status. Under the IURA, manufacturers and importers will report new information based upon their level of production. For chemicals with annual volumes of 25,000 lbs. or more per site, manufacturers and importers will report the following new information to the extent that it is known or reasonably ascertainable:

- Number of workers reasonably likely to be exposed to the chemical substance at the site of manufacture or import;
- Physical form(s) of the chemical substance as it leaves the submitter's possession, along with the associated percent production volume; and
- Maximum concentration of the chemical substance as it leaves the submitter's possession.

In addition, for chemicals with annual volumes of 300,000 lbs or more per site, manufacturers and importers will report the following new information to the extent that it is readily obtainable:

- Type of industrial processing or use operation at downstream sites;
- North American Industrial Classification System ("NAICS") codes that best describe the industrial activities conducted by the sites that use or process the substance;
- Industrial functions of the chemical substances;
- Approximate number of processing and use sites;
- Estimated number of workers reasonably likely to be exposed to each chemical substance at all sites at which the chemical is used or processed;
- Commercial and consumer uses of reportable chemical substances, including an indication of whether the products are intended for use by children;
- Maximum concentration of the reportable chemical substance in each commercial and consumer product category; and
- Estimated percentages of the submitter's production volume in each industrial function category and commercial and consumer product category.

What other changes were included?

As with current IUR reporting, submitters can continue to claim information confidential, provided that information qualifies as CBI. In addition to providing upfront substantiation for chemical identity CBI claims, submitters are now required to provide upfront substantiation for site identity CBI claims. In addition, EPA is asking submitters to determine if their production volume within specified ranges is CBI.

In addition to the new information requirements and the changes in reporting thresholds and exemptions, EPA now requires calendar year reporting (versus the current company fiscal year reporting). Additionally, submitters are required to retain records for five years (versus the current four years). After the first submission period under IURA, EPA plans to change the reporting frequency from every four years to every five years, with a subsequent change to the recordkeeping requirements to retain records for six years.

How can I find out more information?

You can find out more information by calling the TSCA Hotline at (202)554-1404 or by viewing the Agency's web page at <http://www.epa.gov/opptintr/iur/>.